

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

*

*

v.

*

CRIMINAL NO. 10-00254-KD

*

MELVIN ALBERTO

*

VELASQUEZ-CARDOZA

*

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the Indictment in the above-entitled case, the United States sought forfeiture of property in which the defendant, **MELVIN ALBERTO VELASQUEZ-CARDOZA**, as an alien illegally and unlawfully in the United States, knowingly possessed firearms involved or used in the knowing commission of the offense in violation of Title 18, United States Code, Section 922(g)(5);

AND WHEREAS, based upon the Indictment, the guilty plea entered on January 20, 2011, and the hearing on February 8, 2011 wherein the defendant, **MELVIN ALBERTO VELASQUEZ-CARDOZA** confessed to the forfeiture and for the reasons stated, it is hereby;

ORDERED, ADJUDGED AND DECREED, that pursuant to Title 18, United States Code, Section 922(g)(5), Title 18, United States Code, Section 924(d), and Federal Rule of Criminal Procedure 32.2(b), the interest of the defendant, **MELVIN ALBERTO VELASQUEZ-CARDOZA** in the property identified as follows is hereby condemned and forfeited to the United States for disposition according to law:

(1) One Hi-Point 9mm pistol, Model C-9, SN: P1288762, and

(2) One Intratec 9mm Tec DC9 firearm, with an obliterated serial number.

AND WHEREAS, by virtue of said guilty plea, and confession of forfeiture, the United

States is now entitled to, pending possible appeal herein, reduce the said property to its possession and notify any and all potential third parties who have or may have an interest in the forfeited property, pursuant to Title 21, United States Code, Section 853 and Rule 32.2(b) of the Federal Rules of Criminal Procedure.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

That based on the guilty plea, the confession of forfeiture, and Fed.R.Crim.P 32.2(b)(3), all right, title and interest of defendant, **MELVIN ALBERTO VELASQUEZ-CARDOZA**, in the above-described property is hereby forfeited to and vested in the United States of America for disposition in accordance with law, subject to the provisions of Title 21, United States Code, Section 853(n).

That the aforementioned property is authorized to be held by the United States Marshals Service in their secure custody and control.

Pursuant to 21 U.S.C. § 853(n)(1) and the Attorney General's authority to determine the manner of publication of an Order of Forfeiture in a criminal case, the United States shall publish notice of this order on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days.

This notice will state that any person, other than the defendant, having or claiming a legal interest in any of the above described forfeited property must file a petition with the Court within 60 days of the first date of publication of notice (which date shall be set forth in the notice). The petition shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title or interest, and any additional facts supporting the petitioner's claim and the relief sought. The petition must be filed with the Clerk

of the Court, 113 St. Joseph Street, Mobile, Alabama 36602 and a copy served upon Assistant United States Attorney, Daryl A. Atchison, 63 South Royal Street, Suite 600, Mobile, Alabama 36602.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Civil Procedure upon showing that such discovery is necessary or desirable to resolve factual issues.

The United States shall have clear title to the property following the Court's disposition of all third-party interests, or, if none, following the expiration of the period provided in Title 21, United States Code, Section 853(n)(2) for the filing of third-party petitions.

The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

The Clerk of the Court shall forward three (3) certified copies of this Order to Assistant U.S. Attorney Daryl A. Atchison, U.S. Attorney's Office, Southern District of Alabama.

DATED this 22nd day of February, 2011.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE